IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 32013 of 2006(J)

PETITIONER:

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1. NAJEEB T.BAKKAR, AGED 28,
S/O.N.K.BAKKER, RAHATH, THUDIPARAMBIL,
B.T.H., MAMANGALAM CROSS ROAD, EDAPPALLY.

2. VIJAYA BABU.B.R., AGED 28,
S/O.REGHU, BHARANIPARAMBIL HOUSE,
THEVARA, KOCHI.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENTS:

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1. MAHATMA GANDHI UNIVERSITY, KOTTAYAM,
REP. BY REGISTRAR.

2. CONTROLLER OF EXAMINATION,
M.G.UNIVERSITY, ATHIRAMPUZHA,
KOTTAYAM.

BY ADV. SRI.V.A.MUHAMMED, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.32013 of 2006

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Dated this the 6th day of December, 2006.

JUDGMENT

The petitioners have completed LLB. course from the Law College, Ernakulam which is under the M.G. University. The first petitioner attended the course during 1996-2001 and the second petitioner during 1997-2002. Both the petitioners failed in the first year examination and they have passed in second, third and fourth year examinations. They could not write the final year examination because they did not pass the first year examination. Counsel for the University submitted that the old scheme is discontinued and presently examination is held every semester as against annual examinations held during the time petitioners attended the course. However, it is conceded that same subjects are being taught even now but in different semesters. In the circumstances and since petitioners have passed examination in three years, I feel the University should give one more opportunity to the petitioners to write the examinations in the same subjects and take the degree if they pass the examinations. The W.P. is accordingly disposed of with direction to the second respondent to permit the petitioners to write the examinations in the same subjects of the first year LLB. degree course during the year they studied the course, even if such subjects are spread over in different semesters under the present curriculum so that petitioners pass all their subjects before they are considered for award of degree. As and

when the petitioners pass the semester examinations in all subjects in the first year course they studied, they should be allowed to write the last year examinations also covering the same subjects, though taught in different semesters at present. Even though only two persons are in this court, I feel second respondent should permit similar students who could not write the examination and take the degree on account of change of syllabus and curriculum by the University. So far as internal mark presently provided is concerned, the petitioners should be dispensed from obtaining internal marks, but proportionate addition should be made based on marks awarded in theory examinations.

C.N.RAMACHANDRAN NAIR
Judge

pms